

Senate Engrossed

FILED

MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
Senate
Fifty-third Legislature
First Regular Session
2017

CHAPTER 107
SENATE BILL 1194

AN ACT

AMENDING SECTION 8-514.05, ARIZONA REVISED STATUTES; RELATING TO CHILD
WELFARE AND PLACEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 8-514.05, Arizona Revised Statutes, is amended
3 to read:

4 8-514.05. Foster care provider and department access to child
5 health information; consent to treatment

6 A. If a health plan, a health care provider licensed or certified
7 pursuant to title 32 or title XIX of the social security act or a health
8 care institution licensed pursuant to title 36, chapter 4 has provided or
9 is providing services to a child placed in out-of-home placement and has
10 custody or control of that child's medical or behavioral health records,
11 the plan, provider or institution must provide the following to the
12 child's foster parent, group home staff, foster home staff, relative or
13 other person or agency in whose care the child is currently placed
14 pursuant to this article or article 6 of this chapter:

- 15 1. Medical records.
- 16 2. Behavioral health records.
- 17 3. Information relating to the child's condition and treatment.
- 18 4. The child's prescription and nonprescription drugs, medications,
19 durable medical equipment, devices and related information.

20 B. If a health plan, a health care provider licensed or certified
21 pursuant to title 32 or title XIX of the social security act or a health
22 care institution licensed pursuant to title 36, chapter 4 has provided or
23 is providing services to a child for whom the department ~~is the legal~~
24 ~~guardian~~ HAS LEGAL CUSTODY or is providing foster care or substance abuse
25 services and has custody or control of that child's medical or behavioral
26 health records, the plan, provider or institution must provide the
27 following to the department's employees who are involved in the child's
28 case management:

- 29 1. Medical records.
- 30 2. Behavioral health records.
- 31 3. Information relating to the child's condition and treatment.
- 32 4. The child's prescription and nonprescription drugs, medications,
33 durable medical equipment, devices and related information.

34 C. IF THE DEPARTMENT HAS TEMPORARY CUSTODY OF A CHILD PURSUANT TO
35 THIS TITLE OR HAS LEGAL CUSTODY PURSUANT TO A COURT ORDER, THE DEPARTMENT:

- 36 1. MAY CONSENT TO ANY OF THE FOLLOWING:

37 (a) EVALUATION AND TREATMENT FOR EMERGENCY CONDITIONS THAT ARE NOT
38 LIFE THREATENING.

39 (b) ROUTINE MEDICAL AND DENTAL TREATMENT AND PROCEDURES, INCLUDING
40 EARLY PERIODIC SCREENING DIAGNOSIS AND TREATMENT SERVICES, AND SERVICES BY
41 HEALTH CARE PROVIDERS TO RELIEVE PAIN OR TREAT SYMPTOMS OF COMMON
42 CHILDHOOD ILLNESSES OR CONDITIONS.

43 (c) SURGERY.

44 (d) BLOOD TRANSFUSIONS.

45 (e) GENERAL ANESTHESIA.

- 1 (f) TESTING FOR THE PRESENCE OF THE HUMAN IMMUNODEFICIENCY VIRUS.
- 2 2. MAY NOT CONSENT TO ABORTIONS.
- 3 3. TO THE EXTENT POSSIBLE, SHALL CONSULT WITH EACH BIOLOGICAL
- 4 PARENT OF THE CHILD WHOSE PARENTAL RIGHTS HAVE NOT BEEN TERMINATED WHEN
- 5 MAKING HEALTH CARE DECISIONS FOR A CHILD IN THE DEPARTMENT'S CUSTODY.
- 6 ~~e~~. D. The foster parent, group home staff, foster home staff,
- 7 relative or other person or agency in whose care the child is currently
- 8 placed pursuant to this article or article 6 of this chapter:
- 9 1. May give consent for the following:
- 10 (a) Evaluation and treatment for emergency conditions that are not
- 11 life threatening.
- 12 (b) Routine medical and dental treatment and procedures, including
- 13 early periodic screening diagnosis and treatment services, and services by
- 14 health care providers to relieve pain or treat symptoms of common
- 15 childhood illnesses or conditions.
- 16 (c) TESTING FOR THE PRESENCE OF THE HUMAN IMMUNODEFICIENCY VIRUS.
- 17 2. Shall not consent to:
- 18 (a) General anesthesia.
- 19 (b) Surgery.
- 20 ~~(c) Testing for the presence of the human immunodeficiency virus.~~
- 21 ~~(d)~~ (c) Blood transfusions.
- 22 ~~(e)~~ (d) Abortions.

APPROVED BY THE GOVERNOR MARCH 29, 2017.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 29, 2017.

Passed the House March 23, 2017,

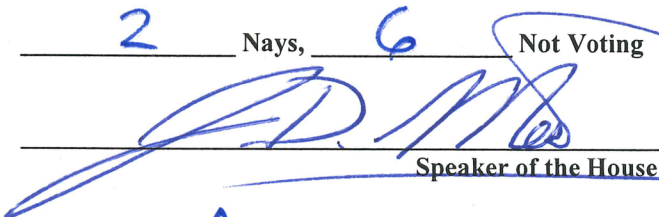
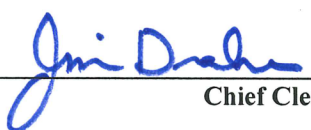
Passed the Senate February 28, 2017,

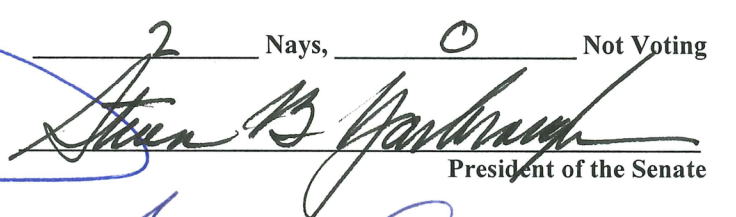
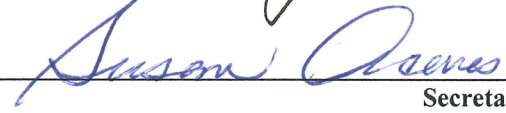
by the following vote: 52 Ayes,

by the following vote: 28 Ayes,

2 Nays, 6 Not Voting

2 Nays, 0 Not Voting


Speaker of the House

Chief Clerk of the House


President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

27 day of March, 2017,

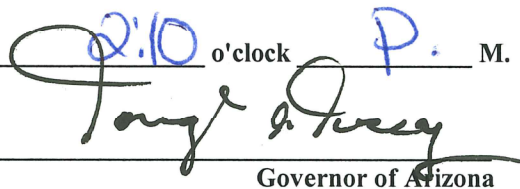
at 1:51 o'clock P. M.


Secretary to the Governor

Approved this 29th day of

March, 2017,

at 2:10 o'clock P. M.

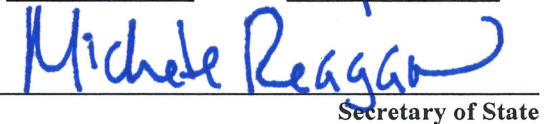

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 29 day of March, 2017,

at 4:59 o'clock P. M.


Secretary of State

S.B. 1194